

AMR S. ELAGUIZY,)
)
Plaintiff,)
v.) ORDER
)
EVERGREEN PACKAGING, LLC)
A Tennessee Limited Liability Company)
)
Defendants.)
)

On February 25, 2021, Defendant Evergreen Packaging, LLC (“Defendant”) filed a Notice of Removal removing this action from state court. Doc. 1. Defendant contends that subject matter jurisdiction exists pursuant to 28 U.S.C. § 1332.

“For purposes of diversity jurisdiction, the citizenship of a limited

Case 1:21-cv-00056-MR-WCM Document 8 Filed 03/25/21 Page 1 of 2

liability company ... is determined by the citizenship of all of its members.” Cent. W. Va. Energy Co., Inc. v. Mountain State Carbon, LLC, 636 F.3d 101, 103 (4th Cir. 2011). When members are LLCs themselves, the citizenship issues must be traced through until one reaches only individuals and/or corporations. See Jennings v. HCR ManorCare, Inc., 901 F.Supp.2d 649, 651 (D. S.C. 2012) (“an LLC’s members’ citizenship must be traced through however many layers of members there may be.”). If Defendant is a limited liability company or other unincorporated association, Defendant must allege the citizenship of all of its members.²

“The burden of establishing subject matter jurisdiction is on...the party asserting jurisdiction.” Robb Evans & Assoc., LLC v. Holibaugh, 609 F.3d 359, 362 (4th Cir. 2010). Here, the record does not reveal the identity or citizenship of the constituent members of Evergreen Packaging, LLC.

Accordingly, Defendant is **DIRECTED** to file, on or before April 2, 2021, a notice identifying the citizenship particulars of Evergreen Packaging, LLC.

Signed: March 25, 2021



W. Carleton Metcalf
United States Magistrate Judge



² A corporate disclosure statement has been filed indicating that Defendant has multiple parent corporations but the membership of Defendant for diversity purposes is not clear.